

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, August 24, 2004 – 9:00 a.m. – Room W025 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Ed Mayne
Rep. Judy A. Buffmire
Rep. Greg J. Curtis
Rep. James R. Gowans

Members Excused:

President Al Mansell
Sen. Mike Dmitrich
Sen. Michael G. Waddoups

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present and a copy of materials can be found at www.le.utah.gov or by contacting the committee secretary at 538-1032. A recording of the meeting may also be available from the Office of Legislative Research and General Counsel.

1. Committee Business

Chair Stephenson called the meeting to order at 9:13 a.m.

2. Outdoor Advertising Rules and Statutes

Rep. Ure introduced the issue, and explained that it's impact reaches beyond the outdoor advertising rules and statutes to other federal agreements which have been entered into by state departments or agencies without the Legislature knowing what is taking place. Rep. Ure said that under these circumstances the Legislature struggles to conform state laws to comply with the agreement or to oppose the agreement on the federal level, if necessary.

Mr. Lyle McMillan, Director, Right-of-Way, UDOT (Utah Department of Transportation), gave background information on the Utah-Federal Agreement executed by the governor of Utah and the secretary of the United States Department of Transportation's Federal Highway Administration on January 18, 1968. The Agreement stated that Utah would abide by the National Highway Beautification Act of 1965. Mr. McMillan said that as a result of legislation passed in 1997 and 1998, there are some difficulties in continued compliance with the Agreement. He said he hopes there is positive progress to report within the next year.

Mr. Mark Burns, Assistant Attorney General, Office of the Attorney General, discussed technical issues which may be considered direct or arguable conflicts between the federal law and the state contract.

Mr. Guy Larson, Reagan Outdoor Advertising, said his company is not opposed to working with the state to make new regulations which will bring the Utah-Federal Agreement into harmony with existing laws.

3. R277-502 Educator Licensing and Data Retention

Sen. Stephenson introduced the issue.

Dr. Ray Timothy, Associate Superintendent, USOE (Utah State Office of Education), gave background information regarding the need to increase licensure fees, and talked briefly about USOE's goal to make the licensing section self-sustaining.

Ms. Joan Patterson, Coordinator, Educator Licensing, USOE, distributed "Comparison of in-state prepared and out-of-state prepared teachers." She reviewed the process for evaluating license applications.

Ms. Carol Lear, USOE, distributed "Case Summary, Differentiated Fees Between Utah Residents and Non-residents," and said her research showed that charging different fees for in state and out-of-state applications creates no constitutional problems.

Ms. Allred said that if the agency is going to impose differential fees for non-resident applicants, it needs to demonstrate a close relationship between the fee and the actual cost of reviewing out-of-state applicants.

Mr. Kent Bishop, Governor's Office of Planning and Budget, suggested placing the cost data within the rule analysis form rather than in the body of the rule.

Ms. Allred stated that the rule itself should specify the standards and requirements that justify imposing a higher fee for out-of-state applicants.

4. Committee Business / Adjourn

Future meetings are scheduled for September 7, 2004 and September 21, 2004.

Chair Stephenson ruled the meeting adjourned at 10:21 a.m.